

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3299 OF 2005

Sou. Taramati Ramchandra Chandratre : Petitioner
(Orig. Plaintiff)

V/s.

Shri Shaikh Kasam Shaikh Suleman & Anr. : Respondents
(Orig.Deft.and third party)

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Mr.M.M.Sathaye for the petitioner.

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CORAM : S.A. BOBDE, J.

June 22, 2005.

P.C.:

1. The petitioner, who has sued for specific performance of a contract for purchase of an immovable property, has challenged the order by which the trial Court has allowed impleadment of one Pushpalata Kawde as a party-defendant.

2. The Court has by the impugned order allowed the said Pushpalata to be impleaded on the basis that she has purchased a part of the suit property, in particular the share of Ajamoddin from one Vinayal Khaire, who in turn had purchased it from Tanvir Shaikh. The trial Court has relied on the various mutation entries.

3. Mr.Sathaye, learned counsel for the petitioner, submitted that the said Pushpalata could not have been impleaded in view of the fact that she has purchased the property even though the tenancy of this property has been registered in accordance with law and in spite of an order of status quo granted by the trial Court on 27.7.1998. This submission goes to the merits of the case of Pushpalata and does not support the contention that she is not a necessary or proper party. If she has purchased the property, the trial Court has committed no error of law in permitting her to be impleaded. In my view, this will also prevent multiplicity of proceedings. The trial Court may proceed to decide the matter on its own merits. All other contentions are left open.

4. The petition is dismissed.

S.A. BOBDE, J.